

FIFTY-THIRD DAY

(CONTINUED)

THURSDAY, APRIL 17, 1997

PROCEEDINGS

AFTER RECESS

The Senate met at 8:00 a.m. and was called to order by Senator Harris.

SESSION HELD FOR LOCAL AND UNCONTESTED CALENDAR

The Presiding Officer announced that the time had arrived to consider bills and resolutions placed on the Local and Uncontested Calendar. Notice of consideration of the local calendar was given by Senator Harris yesterday.

Pursuant to Senate Rule 9.03(d), the following bills and resolutions in the order listed were laid before the Senate, read second time, amended where applicable, passed to engrossment/third reading, read third time, and passed. The votes on suspension of the Constitutional Three-day Rule and final passage are indicated after each caption.

HB 368 (Duncan) Relating to the statute of limitations for misappropriation of trade secrets. (31-0) (31-0)

HB 520 (Brown) Relating to menhaden boat licenses. (31-0) (31-0)

SB 48 (Shapiro) Relating to the definition of "victim" in the context of maintaining the confidentiality of a sex offense victim's identity. (31-0) (31-0)

SB 68 (Moncrief) Relating to the priority given to the hearing of certain matters by trial courts. (31-0) (31-0)

CSSB 208 (Haywood) Relating to disclosure of certain information regarding certain patients of a physician. (31-0) (31-0)

CSSB 318 (Ellis) Relating to the liability of and bonds required of guardians of the person of certain wards. (31-0) (31-0)

CSSB 323 (Armbrister) Relating to judicial training and continuing education for administrative law judges of the State Office of Administrative Hearings. (31-0) (31-0)

CSSB 395 (Gallegos) Relating to parties authorized to enter into interlocal cooperation contracts. (31-0) (31-0)

SB 462 (Luna) Relating to the residency requirement for admission into the public schools of a school district. (31-0) (31-0)

SB 514 (Moncrief) Relating to requiring the Health and Human Services Commission to promulgate uniform fair hearing rules for all Medicaid-funded services. (31-0) (31-0)

CSSB 517 (Bivins) Relating to the transportation of public school students. (31-0) (31-0)

SB 595 (Ratliff) Relating to Cooper Lake State Park. (31-0) (31-0)

CSSB 625 (Whitmire) Relating to the dissemination of information contained in the juvenile justice information system. (31-0) (31-0)

CSSB 645 (Armbrister) Relating to state fiscal matters, including holidays, employee compensation and deductions, reports, consultants, and the comptroller's powers. (31-0) (31-0)

SB 710 (Brown) Relating to the creation of an offense involving certain sales of tickets to certain events; providing a penalty. (31-0) (31-0)

SB 883 (Moncrief on behalf of Harris) Relating to structured settlement offers in certain personal injury suits. (31-0) (31-0)

SB 898 (Moncrief on behalf of Harris) Relating to nonsubstantive additions to and corrections in enacted codes, including the nonsubstantive codification of various laws omitted from enacted codes, and to conforming codifications enacted by the 74th Legislature to other Acts of that legislature. (31-0) (31-0)

Senator Moncrief, on behalf of Senator Harris, offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **SB 898** as follows:

(1) In Section 6.04 of the bill (introduced version, page 72, line 17), strike "6.04-6.83" and substitute "6.05-6.84".

(2) In Section 30.19(d) of the bill, strike amended Subsection (b) and added Subsection (c), Section 361.282, Transportation Code (introduced version, page 628, lines 3-10), and substitute the following:

(b) The authority, the commission, and the governor must approve the transfer of the turnpike project as being in the best interests of the state and the entity receiving the turnpike project [county].

(3) In Section 30.26(a) of the bill, proposed Section 451.3015(b), Transportation Code (introduced version, page 639, line 2), strike "After August 31, 1996, at" and substitute "At [~~After August 31, 1996, at~~]".

(4) In Section 30.26(a) of the bill, strike proposed Section 451.3015(b-1), Transportation Code (introduced version, page 639, lines 5-8).

(5) In Section 30.30(a) of the bill, proposed Section 452.2515(b), Transportation Code (introduced version, page 646, line 1), strike "After August 31, 1996, at" and substitute "At [~~After August 31, 1996, at~~]".

(6) In Section 30.30(a) of the bill, strike proposed Section 452.2515(b-1), Transportation Code (introduced version, page 646, lines 4-7).

(7) In Section 30.33(a) of the bill, proposed Section 453.2515(b), Transportation Code (introduced version, page 650, line 22), strike "After August 31, 1996, at" and substitute "~~At~~ [~~After August 31, 1996, at~~]".

(8) In Section 30.150(a) of the bill, proposed Section 643.001(4), Transportation Code (introduced version, page 849, line 5), strike "10102" and substitute "13102".

(9) In Section 30.150(a) of the bill, proposed Section 643.153(a), Transportation Code (introduced version, page 858, line 24), strike "1056" and substitute "375".

The committee amendment was read and was adopted by a viva voce vote.

SB 899 (Ratliff) Relating to the organization and governance of water supply and sewer service corporations. (31-0) (31-0)

SB 901 (Gallegos) Relating to an entity's eligibility for foreign trade zone or subzone status. (31-0) (31-0)

SB 907 (Brown) Relating to the statute of limitations for the purpose of prosecuting certain offenses under the Tax Code. (31-0) (31-0)

SB 908 (Zaffirini) Relating to the licensing and inspection of certain hospitals. (31-0) (31-0)

Senator Zaffirini offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend Section 1 of **SB 908** by amending Section 222.024(c), Health and Safety Code, to read as follows:

(c) The department may conduct an inspection of a hospital exempt from an annual licensing inspection under Subsection (a) before issuing a renewal license to the hospital if the certification or accreditation body has not conducted an on-site inspection of the hospital in the preceding three years and the department determines that an inspection of the hospital by the certification or accreditation body is not scheduled within sixty days.

The committee amendment was read and was adopted by a viva voce vote.

CSSB 911 (Cain) Relating to the protection or release of a trustee from liability under certain circumstances. (31-0) (31-0)

CSSB 936 (Bivins) Relating to public education. (31-0) (31-0)

SB 964 (Ratliff) Relating to criminal history record information on persons licensed by certain agencies. (31-0) (31-0)

SB 966 (Nelson) Relating to the creation of two county criminal courts in Denton County. (31-0) (31-0)

CSSB 988 (Brown) Relating to reports required from certain producers and purchasers of oil. (31-0) (31-0)

SB 1028 (Sibley) Relating to clarifying the name of the College of Dentistry component of The Texas A&M University System. (31-0) (31-0)

SB 1033 (Moncrief on behalf of Harris) Relating to the ad valorem taxation of property and to the appraisal of property for ad valorem tax purposes. (31-0) (31-0)

SB 1038 (Duncan) Relating to the authority of the board of regents of Texas Tech University to issue certain bonds and notes on behalf of Texas Tech University and Texas Tech University Health Sciences Center. (31-0) (31-0)

CSSB 1057 (Zaffirini) Relating to the composition of and certain services operated by the Texas Department of Mental Health and Mental Retardation. (31-0) (31-0)

SB 1063 (Carona) Relating to the creation of municipal courts of record in Richardson. (31-0) (31-0)

SB 1088 (Patterson) Relating to the use of a private building for a polling place. (31-0) (31-0)

SB 1094 (Wentworth) Relating to the procedure for fixing a mechanic's, contractor's, or materialman's lien on homestead property. (31-0) (31-0)

CSSB 1127 (Madla) Relating to the operation of certain military installations as businesses by development corporations. (31-0) (31-0)

CSSB 1154 (Moncrief on behalf of Harris) Relating to adopting and amending a student code of conduct in public schools. (31-0) (31-0)

CSSB 1162 (Carona) Relating to the warranties on the transfer or presentment of demand drafts. (31-0) (31-0)

SB 1170 (Lindsay) Relating to the initial inspection period for certain vehicles. (31-0) (31-0)

SB 1175 (Whitmire) Relating to recall elections to remove a member of the board of directors of a municipal utility district. (31-0) (31-0)

SB 1176 (Whitmire) Relating to the validity of certain devises or bequests. (31-0) (31-0)

SB 1177 (Nelson) Relating to the publication of the Texas Register. (31-0) (31-0)

CSSB 1190 (Armbrister) Relating to contracts and communications involving certain athletes and athlete agents. (31-0) (31-0)

CSSB 1211 (Ogden) Relating to the meetings of a commissioners court of a county. (31-0) (31-0)

SB 1233 (Shapiro) Relating to exemption from inscription requirements for an automobile used by a municipal or county medical examiner. (31-0) (31-0)

SB 1268 (Armbrister) Relating to disclosure of driver's license record information held by the Department of Public Safety of the State of Texas. (31-0) (31-0)

SB 1271 (Armbrister) Relating to the creation of the Human Resource Task Force and the streamlining of the organizational structures of state agencies. (31-0) (31-0)

Senator Armbrister offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **SB 1271** as follows:

In **SECTION 2** of the bill, in proposed Section 651.004, Government Code, strike "shall" and insert "may" in lieu thereof.

The committee amendment was read and was adopted by a viva voce vote.

Senator Armbrister offered the following committee amendment to the bill:

Committee Amendment No. 2

Amend **SB 1271** as follows:

(1) In **SECTION 3** of the bill, in proposed Section 2052.103(b)(1), Government Code, strike "annotated".

The committee amendment was read and was adopted by a viva voce vote.

SB 1273 (Armbrister) Relating to the sale of alarm products or services and burglary detection devices. (31-0) (31-0)

SB 1284 (Gallegos) Relating to regulation of new or renovated bedding; providing penalties. (31-0) (31-0)

CSSB 1295 (Cain) Relating to licensure of certain international medical students who have successfully completed a Fifth Pathway Program. (31-0) (31-0)

SB 1313 (Carona) Relating to the designation of licensed dietitians as service providers under the chronically ill and disabled children's services program. (31-0) (31-0)

SB 1314 (Barrientos) Relating to creation of the County Court at Law Number 4 of Travis County. (31-0) (31-0)

SB 1386 (Haywood) Relating to title to materials and equipment in the state library system. (31-0) (31-0)

SB 1395 (Lindsay) Relating to the preparation of a county budget in certain counties. (31-0) (31-0)

Senator Lindsay offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend SB 1395 as follows:

(1) On page 1, line 17, after the words "county auditor", insert ", or county judge in a county that does not have a county auditor,".

(2) Insert the following 3 SECTIONS, appropriately numbered:

SECTION 6. Subchapter A, Chapter 111, Local Government Code, is amended by adding Section 111.0107 to read as follows:

Sec. 111.0107. SPECIAL BUDGET FOR REVENUE FROM INTERGOVERNMENTAL CONTRACTS. The county auditor, or county judge in a county that does not have an auditor, shall certify to the commissioners court the receipt of all revenue from intergovernmental contracts that is available for disbursement in a fiscal year but not included in the budget for that fiscal year. On certification, the court shall adopt a special budget for the limited purpose of spending the revenue from intergovernmental contracts for its intended purpose.

SECTION 7. Subchapter B, Chapter 111, Local Government Code, is amended by adding Section 111.045 to read as follows:

Sec. 111.045. SPECIAL BUDGET FOR REVENUE FROM INTERGOVERNMENTAL CONTRACTS. The county auditor shall certify to the commissioners court the receipt of all revenue from intergovernmental contracts that is available for disbursement in a fiscal year but not included in the budget for that fiscal year. On certification, the court shall adopt a special budget for the limited purpose of spending the revenue from intergovernmental contracts for its intended purpose.

SECTION 8. Subchapter C, Chapter 111, Local Government Code, is amended by adding Section 111.708 to read as follows:

Sec. 111.708. SPECIAL BUDGET FOR REVENUE FROM INTERGOVERNMENTAL CONTRACTS. The county auditor shall certify to the commissioners court the receipt of all revenue from intergovernmental contracts that is available for disbursement in a fiscal year but not included in the budget for that fiscal year. On certification, the court shall adopt a special budget for the limited purpose of spending the revenue from intergovernmental contracts for its intended purpose.

(3) Renumber the remaining SECTIONS accordingly.

The committee amendment was read and was adopted by a viva voce vote.

SB 1422 (Ratliff) Relating to the procedures governing the funding formulas established by the Texas Higher Education Coordinating Board. (31-0) (31-0)

SB 1450 (Nelson) Relating to the terms of tax abatement agreements entered into by the Dallas County Flood Control District No. 1. (31-0) (31-0)

SB 1453 (Ratliff) Relating to approval of the comptroller's account against the state. (31-0) (31-0)

SB 1454 (Lucio) Relating to the validation of a governmental act or proceeding of a municipality. (31-0) (31-0)

SB 1464 (Brown) Relating to an exemption from the industrial solid waste collection, handling, storage, processing, and disposal permitting process for such activities on land owned or controlled by the source of the waste. (31-0) (31-0)

Senator Brown offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **SB 1464** as follows:

SECTION 1. Chapter 361, Sec. 361.090, Texas Health & Safety Code, is amended by modifying (a) to read as follows:

(a) The commission may not require a permit under this chapter for the collection, handling, storage, processing, and disposal of industrial solid waste generated in the state of Texas that is collected, handled, stored, or processed within the boundaries of a tract of land that is:

(1) owned or otherwise effectively controlled by the owners or operators of the particular industrial plant, manufacturing plant, mining operation, or agricultural operation from which the waste results or is produced; and

(2) only in the case of disposal, located within 50 miles from plant or operation that is the source of the industrial solid waste.

The committee amendment was read and was adopted by a viva voce vote.

SB 1465 (Brown) Relating to the handling, testing, and compensation for the destruction of certain animals; providing a penalty. (31-0) (31-0)

CSSB 1485 (Bivins) Relating to the tuition charged to certain students at public institutions of higher education and to state funding related to those students. (31-0) (31-0)

CSSB 1502 (Ellis) Relating to the transfer of certain money into the housing trust fund. (31-0) (31-0)

CSSB 1519 (Ellis) Relating to the authority of the Texas Workforce Commission to accept donations. (31-0) (31-0)

SB 1527 (Ellis) Relating to establishing a home buyer education program. (31-0) (31-0)

SB 1529 (Brown) Relating to the provision of housing and utility services for certain dwellings. (31-0) (31-0)

SB 1530 (Brown) Relating to the forced sale of a co-owner's interest in certain real property. (31-0) (31-0)

SB 1544 (Ogden) Relating to public access to certain personal information about employees of the Texas Department of Criminal Justice and certain law enforcement personnel. (31-0) (31-0)

CSSB 1547 (Ogden) Relating to the appointment and duties of criminal magistrates for certain courts of Williamson County. (31-0) (31-0)

SB 1579 (Carona) Relating to the requisition for the return of a person charged with crime in this state. (31-0) (31-0)

SB 1621 (Duncan) Relating to the disposition of the City of Lubbock's auditorium-coliseum complex located on real property conveyed to the City of Lubbock by Texas Tech University. (31-0) (31-0)

CSSB 1630 (Duncan) Relating to motor vehicle registration. (31-0) (31-0)

SB 1681 (Ratliff) Relating to authorizing certain state agencies to set and charge a fee for the use of a credit card to pay certain fees. (31-0) (31-0)

CSSB 1712 (Bivins) Relating to authorizing the Texas Engineering Extension Service to participate in the skills development fund. (31-0) (31-0)

SB 1805 (Nixon) Relating to the adoption or increase of local sales and use taxes by a municipality or county for which previous elections adopting such taxes were invalid. (31-0) (31-0)

Senator Nixon offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **SB 1805** on page 1, line 12 by striking the word "~~tax~~" between the words "development" and "sales"

The committee amendment was read and was adopted by a viva voce vote.

SB 1838 (Ratliff) Relating to fees charged for records filed with and maintained by the secretary of state. (31-0) (31-0)

SB 1888 (Brown) Relating to the repeal of the authority to abolish certain conservation and reclamation districts that become part of more than one municipality. (31-0) (31-0)

CSSB 1893 (Bivins) Relating to the number of days of service required of certain educators for the school year. (31-0) (31-0)

SB 1903 (Truan) Relating to the acceptance of gifts, grants, and donations by the secretary of state. (31-0) (31-0)

SB 1904 (Sibley) Relating to responsibility for state aircraft used for flight training programs by public postsecondary educational institutions. (31-0) (31-0)

SCR 27 (Moncrief on behalf of Harris) Recognizing the Devil's Cigar Fungus as the Official State Fungus of Texas. (viva voce vote)

SCR 46 (Ratliff) Paying tribute to President George Bush. (viva voce vote)

SCR 55 (Barrientos) Authorizing the burial of Sam L. Kelley in the State Cemetery. (viva voce vote)

**BILLS REMOVED FROM
LOCAL AND UNCONTESTED CALENDAR**

Senator Duncan requested in writing that **SB 469** be removed from the Local and Uncontested Calendar.

Senator Lucio requested in writing that **SB 890** be removed from the Local and Uncontested Calendar.

Senator Wentworth requested in writing that **SB 969** be removed from the Local and Uncontested Calendar.

Senator Lucio requested in writing that **SB 1000** be removed from the Local and Uncontested Calendar.

Senator Carona requested in writing that **SB 1159** be removed from the Local and Uncontested Calendar.

Senator Bivins and Senator Ratliff requested in writing that **SB 1487** be removed from the Local and Uncontested Calendar.

Senator Ogden requested in writing that **SB 1554** be removed from the Local and Uncontested Calendar.

Senator Duncan and Senator Harris requested in writing that **SB 1559** be removed from the Local and Uncontested Calendar.

Senator Patterson and Senator Harris requested in writing that **SB 1614** be removed from the Local and Uncontested Calendar.

**SESSION CONCLUDED FOR
LOCAL AND UNCONTESTED CALENDAR**

Senator Harris announced that the session to consider bills and resolutions placed on the Local and Uncontested Calendar was concluded.

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 8:52 a.m. adjourned until 10:00 a.m. today.

